

III. REMARKS

Claims 1-40 are pending in this application. By this amendment, claims 1, 11, 19 and 31 have been amended. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-5, 8, 11, 13-15, 18, 19, 21-23, 26, 31 33-35 and 37-39 are rejected under 35 U.S.C. §102(a) as allegedly being unpatentable over Ruiz *et al.* (*A Framework for Resolution of Deployment Dependencies in Java-Enabled Service Gateways*, FIDJI 2003), hereafter “Ruiz.” Claims 10, 27-28, 30 and 40 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ruiz in view of Hall *et al.* (*Component Deployment on OSGi: The Gravity Case*, January 29, 2003, Fractal Workshop –LSR-Adele), hereafter “Hall.” Claims 6-7, 9, 12, 16-17, 20, 24-25, 29, 32 and 36 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ruiz in view of Liang *et al.* (*Bundle Dependency in Open Services Gateway Initiative Framework Initialization*, 2002, IEEE), hereafter “Liang.”

A. REJECTION OF CLAIMS 1-7, 9, 11-17, 19-26, 28-29 AND 31-39 UNDER 35 U.S.C. §102(a) OVER RUIZ

With regard to the 35 U.S.C. §102(a) rejection over Ruiz, Applicant respectfully asserts that Ruiz does not disclose each and every feature of the claimed invention. For example, with respect to independent claims 1, 11, 19 and 31, Applicant respectfully submits that the Ruiz fails to disclose polling the client device by the server to determine if the client device has the at least one other prerequisite. Rather, the passage of Ruiz that the Office cites in its argument to the contrary recites:

- Find dependencies: it takes the list of components obtained before and locates them into a repository. In case of finding it, the delivery process is done recursively. If the required component is not available, delivery finishes. Page 4, 4th point.

To this extent, the finding of dependencies of Ruiz finds whether the dependencies are available at the location from which they are to be downloaded, and not whether they already exist on a client device to which components are to be downloaded. This is further clarified by the fact that the delivery process of Ruiz continues if the component is available and terminates if it is not, whereas it would not make sense, in the claimed invention, to, for example, terminate the process for delivery to a client of component that was found not to be already loaded on the client. As such, the passage of Ruiz cited by the Office fails to disclose that the client is polled to determine the presence of a prerequisite and that the prerequisite is obtained if it is not currently present on the client. Thus, the finding of dependencies of Ruiz does not disclose the polling of the client device by the server to determine if the client device has the at least one other prerequisite of the claimed invention. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With respect to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

B. OTHER REJECTIONS UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejections over Ruiz in view of various other references, Applicant respectfully asserts that the references cited by the Office do not teach or suggest each and every feature of the claimed invention. Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's

combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/Hunter E. Webb/

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